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United States of America  
7

8 IN THE UNITED STATES DISTRICT COURT  
9  
EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 CARLOS JESUS JORDAN LOPEZ,  
15 Defendant.

CASE NO. 1:24-CR-00123 JLT SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: June 10, 2024  
TIME: 2:00 p.m.  
COURT: Hon. Sheila K. Oberto

16  
17 This case is set for a preliminary hearing on June 10, 2024. The parties agree and stipulate to  
18 continue the preliminary hearing until July 2, 2024, at 2:00 p.m. before the Honorable Stanley A. Boone.  
19 The Defendant, Defense counsel and the Government have reached an agreement as to the disposition of  
20 the charges in this case and have signed a Memorandum of Plea Agreement. An Information has also  
21 been filed and assigned case number 1:24-CR-00123-JLT-SKO. It is the desire and intent of the parties  
22 to have the case heard and a plea entered in the District Court on July 2, 2024. The July 2 date is the  
23 next available for all parties to be present.

24 If the case is continued, this Court should designate a new date for the preliminary hearing.  
25 *United States v. Lewis*, 611 F.3d 1172, 1176 (9th Cir. 2010) (noting any pretrial continuance must be  
26 “specifically limited in time”).

27 STIPULATION

28 Plaintiff United States of America, by and through its counsel of record, and defendant, by and

1 through defendant's counsel of record, hereby stipulate as follows:

2       1. By previous order, this matter was set for preliminary hearing on June 10, 2024.

3       2. By this stipulation, defendant now moves to continue the preliminary hearing until **July**  
4 **2, 2024.** and to exclude time between June 10, 2024, and July 2, 2024.

5       3. The parties agree and stipulate, and request that the Court find the following:

6           a) The parties have reached a settlement of the issue and charges in this case and  
7 need additional time to file the necessary pleadings and appear in court to enter a plea to an  
8 Information.

9           b) Counsel for defendant desires additional time to consult with his client to discuss  
10 sentencing issues, review the Information, sign a waiver of Indictment and further discuss  
11 sentencing with the government.

12           c) Counsel for defendant believes that failure to grant the above-requested  
13 continuance would deny her the reasonable time necessary for effective preparation, taking into  
14 account the exercise of due diligence.

15           d) The government does not object to the continuance.

16           e) The defendant and government anticipate the entry of a plea to an Information  
17 and the waiver of an Indictment and Preliminary Hearing on July 2, 2024.

18           f) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held "no later  
19 than 14 days after initial appearance if the defendant is in custody," unless the defendant  
20 consents and there is a "showing of good cause". Here, the defendant consents and there is good  
21 cause as set forth herein.

22           g) Based on the above-stated findings, the ends of justice served by continuing the  
23 case as requested outweigh the interest of the public and the defendant in an indictment or trial  
24 within the original dates prescribed by the Speedy Trial Act.

25           h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
26 et seq., within which an indictment must be filed and within which a trial must commence, the  
27 time period of June 10, 2024 to July 2, 2024, inclusive, is deemed excludable pursuant to 18  
28 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at

1 defendant's request on the basis of the Court's finding that the ends of justice served by taking  
2 such action outweigh the best interest of the public and the defendant in a speedy  
3 indictment/trial.

4 Nothing in this stipulation and order shall preclude a finding that other provisions of the  
5 Speedy Trial Act dictate that additional time periods are excludable from the period within which an  
6 indictment must be filed and a trial must commence.

7 IT IS SO STIPULATED.

8 Dated: June 6, 2024

PHILLIP A. TALBERT  
United States Attorney

10 /s/ DENNIS L LEWIS

11 DENNIS L LEWIS  
Assistant United States Attorney

12 Dated: June 6, 2024

13 /s/ MARIO TAFUR

14 MARIO TAFUR  
Counsel for Defendant  
CARLOS JESUS JORDAN  
LOPEZ

16 **FINDINGS AND ORDER**

17 The preliminary hearing in the above-entitled case is hereby continued from the previously set  
18 date of June 10, 2024, to July 2, 2024, at 2:00 pm before Duty Magistrate Judge. The time period of  
19 June 10, 2024 to July 2, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A),  
20 B(iv). All other orders remain in full force and effect.

22 IT IS SO ORDERED.

23 Dated: June 7, 2024

24 /s/ Eric P. Groj

25 UNITED STATES MAGISTRATE JUDGE